IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE CIVIL JURISDICTION

CIVIL APPLICATION NO.888 OF 2007 IN FA.NO.1867 OF 2005

Smt. V.N. Mehendale and ors. ..Applicants.
Vs.
The State of Mah. and ors. .Respondents.

Mr.Amit Borkar for the Applicants.
Mrs.G.P.Mulekar, AGP. for the State.

CORAM: S.B. MHASE &
R.S. MOHITE, JJ.
DATE : 28th March, 2007

P.C.

1. Heard both sides.

2. This is an application for withdrawal of amount deposited by the opponent on 6.1.2006 and 18.2.2006, as per order dated 11.10.2005 passed by the court in the matter of First Appeal No.17 of 2005 and in Civil Application No.5677 of 2005. The applicants are original claimants. The amount has been deposited by Kolhapur Municipal Corporation. After hearing the said Corporation, the award has been passed. Looking to the challenge we find it appropriate to release 50% amount in favour of the applicants without any surety and 50% amount on furnishing bank guarantee of any nationalised bank.

3. We therefore, direct the Trial Court to release 50%

amount in favour of the applicants/original claimants without any surety. However, remaining 50% amount be released only on furnishing bank guarantee of any nationalised bank. Civil Application is disposed of accordingly.

(R.S. MOHITE, J.) **(S.B. MHASE, J.)**